

APPROVED: 7/19/12

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JUNE 21, 2012**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, June 21, 2012, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Terry Holt, Deputy Chairman
Cathy Kelly
John Hunter
Chris Dyroff

M. Justin Rider, Attorney (Rider, Weiner & Frankel, P. C.)
Bruce Martin, P. E., (J. R. Folchetti & Associates, L.L.C.)
Leslie J. Dotson, Town Planner (Garling Associates)

ALSO PRESENT: John Hager, Building Inspector, Robert Bryant, Michael Colacicco, Gayle Colacicco, Mary Ellen Olivia, Glen Moyer, Chris Moyer, Scott Barr, Charles Peddy, Susan Salazar, Michael Bosch, Margaret Kelley, Julia Rose, Gregg Lawless, Cathy Feliciano, Inocencio Feliciano, Carolyn Storms, and Jay Samuelson, PE – (Engineering & Surveying Properties).

The meeting was called to order at 7:00 P. M. by the Chairman with the Pledge to the Flag. It was noted that all Board Members were present.

Bryant Site Plan for proposed Bed and Breakfast, 8 Hillcrest Road, Fort Montgomery, NY (Section 12, Block 1, Lot 10.24, R1R Zone)

At 7:04 P. M., a Public Hearing was opened.

Mr. Bryant's Comments:

- He will follow the Code and address any and all concerns for the Bed & Breakfast in the area.
- Did mailings for Notifications of the Public Hearing and personally contacted people.
- Feels that 80% of neighbors were pro this Bed & Breakfast.
- Feels it will influence the character of the community and will possibly reduce taxes for the community.
- He is concerned about the traffic and the safety of the children in the neighborhood.
- Presented a petition to the Board.
- He will run the Bed & Breakfast appropriately.

Mr. Glen Moyer, 6 Hillcrest Road, Fort Montgomery, NY

- Read a prepared letter addressed to the Chairman Smith, dated June 21, 2012, which will be attached to these Minutes, along with the Common Driveway Easement and Maintenance Agreement and a letter from Appraiser Brian Amiel, License ID #46000046575, dated June 18, 2012.
- Urges the Board to vote “no” to this proposal.

Mr. Mike Colacicco, 3 Hillcrest Road, Fort Montgomery, NY

- Neighborhood is very quiet and having a business there will change the character.
- Feels no one in his neighborhood signed the petition presented.
- Traffic in the area.
- Money spent before approval for the project received.
- Fundamental change to the area.

Mr. Scott Barr, Garrison Road, Fort Montgomery.

- Presented a petition with 24 signatures against the Bed & Breakfast.
- 12 children in the area.
- Concerned about additional traffic.
- Concerned about distracted drivers.
- Noted the blind spot in the hill area.
- Realizes desperate need for business but not in a residential area.
- Map with highlights of those who signed petition.

Mrs. Susan Salazar, 2 Hillcrest Road, Fort Montgomery

Sent letter of concern to the Board.

- Increase in traffic, liability, and noise.
- Loss of privacy.
- Increase of trash disposal, more costs.
- Increase of trespassing.
- Will give a tax break for Bryants and decrease surrounding homes' value.

Mrs. Mary Ellen Olivia, 26 Cozzens Avenue, Highland Falls

- Different realtors can have different opinions.
- Town is going nowhere. She hears derogatory statements for Highland Falls and Fort Montgomery.
- The taxes are becoming prohibitive.
- The need is there.

Mrs. Julia Rose, Cedar Lane, Highland Falls, NY

- What is the tax break that would come?
- Statements should not be made without proper information.
- Friends of the Library – the amount of money donated by the Bryant family.
- Community is in need.

Mrs. Cathy Feliciano, 15 Overlook Place, Fort Montgomery, NY

- Will they be serving alcohol at this Bed & Breakfast?
- Will they have to have a permit to serve alcohol?
- These are things to be considered.

Mrs. Margaret Kelley, 1 Highland Avenue, Fort Montgomery, NY

- A town resident for over 30 years.
- Decline in area, need for business.
- Naval Academy in Maryland – the town is very active.
- Military Academy is a beautiful tourist area, also.
- Worried about the children in the area.
- Wished Mr. Bryant could make the entrance in another way.

The Chairman asked the Board for any comments. There were none at this time.

At 7:25 P. M., a motion was made to close the Public Hearing.

Motion: Mr. Hunter Seconded: Mr. Holt Approved

A motion was made to approve the May 17, 2012 Minutes.

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

COMMUNICATIONS

- Plan-It Orange County Communication
- Hudson Highlands Land Trust Family Festival
- Orange and Rockland Notices about easements
- Lohrman Education Class
- E-mail from Rockland Planning Federation

VOUCHERS – June 2012

Garling Associates	
General Planning	\$294.00
Bosch	210.00

Rider, Weiner & Frankel, P.C.	
General Planning	\$149.50
Bryant	518.00
Bosch	351.50

Orange County Municipal	
Planning Federation 2012 Dues	\$100.00
Support Staff Workshop	60.00

The News of the Highlands \$ 30.26

Fran DeWitt, Recording Sec. \$ 85.75

The Chairman will submit these vouchers to the Comptroller.

OLD BUSINESS

Bryant Site Plan for proposed Bed and Breakfast, 8 Hillcrest Road, Fort Montgomery, NY (Section 12, Block 1, Lot 10.24, R1R Zone) Special Exception.

The Chairman stated that Orange County Planning replied with no comments on this project – noting that it is of local significance. Notifications were sent to the Fire District and Police.

Mr. Rider's comments:

- A drafted Negative Declaration will be prepared for next month's meeting, along with Resolutions for consideration by the Board to approve this project.

Chairman's comments:

He stated that he encourages Public Comment and that all comments are taken very seriously by the Board. Both the Code and Comprehensive Plan are used to make decisions. He is in favor of a well-drafted Negative Declaration at this time. No votes will be taken tonight. In closing the Public Hearing, the Board has 62 days to act on this project.

Mr. Hager's comment:

- The work done by the Bryants at this point in time as a single family home has been done with valid building permits.

Mr. Michael Bosch Amended Site Plan, 1176 Route 9W, Fort Montgomery, NY (Section 9, Block 2, Lot 9).

The Chairman stated that the Applicant appeared last month and the Board has received a revised map along with a Comment Letter from AFR. The project will go to Orange County Planning with the revised map.

Ms. Dotson's comments:

- Revised map includes improved parking delineation.

Mr. Rider's comments:

- Concerns have all been addressed by Applicant.

A motion was made to set a Public Hearing for this project for July 19, 2012.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

**Mr. and Mr. Storms, 2 Lot Sub-division, 8 Overlook Place, Fort Montgomery
(Section 12, Block 1, Lot 14)**

The Chairman's comments:

- Original application was dated July 21, 1006.
- This Board referred her to the ZBA for a variance and it was granted in March 2008.
- Original Comment Letter from Folchetti dated April 7, 2009 and the map.
- The Town has a sewer line that goes through the property. The current easement was not wide enough.

Mrs. Storms' comments:

- The new survey map addresses a number of the items that were brought up previously, including the driveway easement, driveway setbacks, drainage and sewer connections, and the sewer easement width.

Mr. Rider's comments

- The need for the finalization of easements.
- Utility access to Lot 2 over and across Lot 1.

A motion was made to declare the Town of Highlands Planning Board Lead Agency on this project for an Uncoordinated Review.

Motion: Dr. Kelly

Seconded: Mr. Dyroff Approved

Mr. Martin's comments:

- Mr. Paul J. Pelusio's Comment Letter, dated April 7, 2009 was discussed.
- Items to be included on the new survey map.

A motion was made to grant a waiver for utilities, buildings, and easements within 200 feet for this project.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

A motion was made to grant a waiver for the survey tie-in based on Engineer's advice.

Motion: Mr. Holt

Seconded: Mr. Dyroff

Approved

Ms. Dotson's comments:

- Use a separate sheet for clarification on survey map for the GML.

Upon completion of a new Survey Map, a Referral to Orange County Planning for this project is required since it is within 500 feet of the Hudson River.

Hudson Highlands Realty - Extension of Approval.

A formal request from the Hudson Highlands Realty was received requesting an extension of their final Site Plan approval. There are no changes or modifications. The reason for this request was noted as the economic climate for construction in housing.

A motion was made to grant a two-year extension to Hudson Highlands Realty for the project for June 30, 2014.

Motion: Mr. Hunter Seconded: Mr. Holt Approved

NEW BUSINESS

Lawless Amended Site Plan, Route 9W, Fort Montgomery, (Section 11, Block 1, Lot 23).

The Chairman stated that the Applicant has a Site Plan for an open air storage lot approved by this Board. He has appeared informally for the project. He obtained variances for lot area, side yard setback, rear yard setback, six parking spaces and a property line setback for the sign.

Mr. Jay Samuelson, PE., Engineering & Surveying Properties explained they were before this Board in January. They have received the necessary variances from the ZBA. They have re-submitted plans and are here to ask for Planning Board comments. The project is a 3,000 square foot building for a mixed retail use in Zone B.

Ms. Dotson's Comment Letter was discussed.

- Concern about the angled spaces by the entrance.
- DOT involvement/response time.
- Overflow parking spaces.
- Other uses of areas for parking spaces.
- Need for loading area.
- Use allocation for the inside and the outside of the building.
- Landscaping.

Discussion continued on the project with Mr. Lawless and Mr. Samuelson and the Board.

Mr. Martin's Comment Letter was discussed.

- Variances
- Overflow parking
- Lighting
- Erosion
- Wall mounts
- Sign

Mr. Rider's comments:

- Consideration of the Board to become Lead Agency for a Coordinated Review

A motion was made for the Town of Highlands Planning Board to circulate a Notice of Intent to declare itself Lead Agency for this Project for a Coordinated Review.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

More discussion of the project included parking spaces, storage, snow storm area, and the benefit of a pictorial view of the project. After receipt of a full set of plans, the project will be referred to Orange County Planning.

Mr. Hager's comment:

Noted for the Board's information, the Village Planning Board has variances printed right on plan.

The Chairman noted that a letter from this Board was sent to the Town Board concerning signs.

PUBLIC COMMENT - None

At 8:58 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Holt

Seconded: Mr. Dyroff

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, July 19, 2012**